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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,586	12/27/2001	Tracee E.J. Eidenschink	1001.1459101	1707
28075	7590	03/23/2006	EXAMINER	
CROMPTON, SEAGER & TUFTE, LLC 1221 NICOLLET AVENUE SUITE 800 MINNEAPOLIS, MN 55403-2420			NGUYEN, VI X	
			ART UNIT	PAPER NUMBER
			3734	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. The request filed on 5/18/2005 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/034,586 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5,11-13,20-22,24-26 and 28-33 are rejected under 35 U.S.C. 102 (b) as being anticipated by Lundquist (5,329,923).

Lundquist discloses in abstract and figs 3-4, a catheter for use during a surgical procedure on a body, including: an elongate shaft (31) has a lumen (39) which extends therethrough, a core member has proximal and distal end, an inner surface (38) is in fluid communication with the lumen, an outer surface (37), where a raised pattern (41) of generally noncontiguous element (fig. 3) disposes on the outer surface, where the raised pattern further comprises a plurality of bearing points (the two flex portions occur at 41 would permit to have many bearing points when they are bending on an inside radius of each slots. Note that the catheter of Lundquist in figures 3-4 is capable of improving the transmission of torque along the elongate shaft when torqued, and where adjacent raised shapes are separated when the shaft is not being torqued , where at least two adjacent raised shapes move toward one another when the shaft is torqued, and where the catheter is a guide catheter (see col. 9, lines 22-30). Note that the procedure in fig. 3

Art Unit: 3731

discloses the raised pattern defines means for improving the transmission of torque along the elongate shaft while under torsion.

Claims 5,12,25,27,32 and 34 are rejected under 35 U.S.C. 102 (b) as being anticipated by Tittel (4,465,482).

Tittel discloses in figs 1-2, a catheter for use during a surgical procedure on a body, including: an elongate shaft has a lumen which extends therethrough, a core member has proximal and distal end, an inner surface (4) is in fluid communication with the lumen, an outer surface (1), where a raised pattern (12) of generally noncontiguous element (fig. 2) disposes on the outer surface, where the raised pattern further comprises a plurality of bearing points (depending upon the direction in which the tube is twisted, the helical slot will be widened or constricted which resulted in having a plurality of bearing points). Note that the catheter of Tittel in figure 2 is capable of improving the transmission of torque along the elongate shaft when torqued, and where adjacent raised shapes are separated when the shaft is not being torqued, where at least two adjacent raised shapes move toward one another when the shaft is torqued, and where the raised elements are diamond-shaped (fig. 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3731

Claims 6-10 and 15-19 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Lundquist (5,329,923).

Regarding claims 6-7 and 15-16, the recited claims, "the raised pattern is formed by laser ablation or by overmolding" is not given any patentable weight since this is a product by process limitations that are not constructed as being limited to the product formed by the specific process recited. In re Hirao et al., 535 F2d 67, 190 U.S.P.Q. 15. Whether a product is patentable depends on whether it is known in the art or it is obvious, and is not governed by whether the process by which it is made patentable. In Re Klug, 333 f2d 742, 180 U.S.P.Q. 161 (CCPA 1974). It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the raised pattern is formed by laser ablation or by overmolding, since a comparison of the recited process with the prior art process does not serve to resolve the issue concerning patentability of the product. Regarding claims 8-10 and 17-19, the recited claims "the raised pattern is formed by hot die casting/embossing or by extrusion" is not given any patentable weight since this is a product by process limitations that are not constructed as being limited to the product formed by the specific process recited. In re Hirao et al., 535 F2d 67, 190 U.S.P.Q. 15. Whether a product is patentable depends on whether it is known in the art or it is obvious, and is not governed by whether the process by which it is made patentable. In Re Klug, 333 f2d 742, 180 U.S.P.Q. 161 (CCPA 1974). It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the raised pattern is formed by hot die casting/embossing or by extrusion, since

Art Unit: 3731

a comparison of the recited process with the prior art process does not serve to resolve the issue concerning patentability of the product.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Lundquist (5,329,923) in view of Moore et al (4,669,465).

Regarding claim 14, Lundquist is explained as before. However, Lundquist does not disclose the catheter is a balloon catheter.

Moore et al teach the catheter is a balloon catheter (fig. 1 and col. 2, lines 25-27).

It would have been obvious to one having ordinary skill in the art at the same time the invention was made to modify Lundquist by making the catheter is a balloon catheter as taught by Moore et al in order to create an overall system with added capability into a body lumen.

Response to Arguments

5. Applicant's arguments with respect to claims 5 and 12 have been considered but are moot in view of new ground(s) of rejection. Applicant is asked to please refer to the modified prior art rejection above where examiner addresses applicant's concerns regarding prior art rejection.

Conclusion

Art Unit: 3731

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor X. Nguyen whose telephone number is (571) 272-4699. The examiner can normally be reached on M-F (8-4.30 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anh Tuan Nguyen can be reached on (571) 272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor X Nguyen
Examiner
Art Unit 3731

Vn
3/14/2006



JULIAN W. WOO
PRIMARY EXAMINER